

Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204
Baltimore County, Maryland

In the Matter of

Civil Citation No.59428

Allen E. Clauser
Janice L. Sanders

4106 Asbury Avenue

Respondent

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Code Enforcement Hearing Officer for the Department of Permits and Development Management on June 3, 2009, for a hearing on a citation for violations under the Baltimore County Zoning Regulations (BCZR) section 101, 102.1, 1B01.1, 415A, failure to legally park recreational vehicle (boat on street) on residential property zoned DR 5.5 known as 4106 Asbury Avenue, 21236.

On May 11, 2009, pursuant to §3-6-205, Baltimore County Code, Code Enforcement Officer, issued a code enforcement citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$1,500.00 (one thousand five hundred dollars).

The following persons appeared for the Hearing and testified: the Respondent, Allen Clauser and, Jason Seidelman, Baltimore County Code Enforcement Officer.

After proper consideration of all the evidence and testimony presented, the Hearing Officer finds:

A. A Correction Notice was issued April 27, 2009 for removal of boat from street. This Citation was issued on May 11, 2009. A Correction Notice was previously issued on October 21, 2008.

B. Photographs in the file show a boat on a trailer parked on the residential street. Respondent Clauser testified that this is an 18-foot boat that he uses for lake fishing tournaments. He further testified that it has electric motors and he parks it in front of the house for battery charging; which takes 17-24 hours. He further testified that except when he is charging the batteries or doing maintenance, the boat is stored on a commercial lot.

C. Inspector Seidelman testified that this is a recurring problem and that the boat and trailer cannot be legally parked on the residential street.

D. County Zoning Regulations define "recreational vehicle" to include a boat or a boat on a trailer. BCZR Section 101.1. Zoning Regulations permit storage of recreational vehicles on a residential lot in certain locations, as described in BCZR Section 415A.1(A), but specifically prohibit parking them on the street. BCZR Section 415A.1(D) provides, "Except during a twenty-four-hour period for the purpose of loading or unloading, a person may not park or store a recreational vehicle on any street in a residential zone." Respondent cannot properly park the boat on the street for purposes of charging the batteries or doing maintenance work.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$200.00 (two hundred dollars).

IT IS FURTHER ORDERED that the civil penalty will be RESCINDED and reduced to zero dollars if the violation is corrected and the boat is removed from the street. If the Respondent fails to correct the violation, the civil penalty shall be imposed and may be placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property during the next six months to determine whether the violation has been corrected.

ORDERED this 10TH day of June 2009.

Signed: ORIGINAL SIGNED
Margaret Z. Ferguson
Baltimore County Hearing Officer

NOTICE TO RESPONDENT: The Respondent is advised that (1) pursuant to §3-6-206(g)(2) of the Baltimore County Code, the Respondent may make written application to the Director of the Department of Permits & Development Management within 10 days to modify or amend this order and (2) pursuant to §3-6-301(a), Baltimore County Code, the Respondent may appeal this order to the Baltimore County Board of Appeals within fifteen (15) days from the date of this order; any such appeal requires the filing of a petition setting forth the grounds for appeal, payment of a filing fee of \$150 and the posting of security to satisfy the penalty assessed.